

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARY CHANDLER)
)
v.) NO. 3-10-1219
) JUDGE CAMPBELL
TENNESSEE DEPARTMENT)
OF SAFETY and DAVID)
MITCHELL, Commissioner of the)
Tennessee Department of Safety)

ORDER

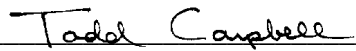
Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 166), Defendants' Objections (Docket No. 167), and Plaintiff's Response and Objection (Docket No. 168). Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the Objections, the Response, and the file.

Defendants argue that the Magistrate Judge erred in awarding attorneys' fees for the mistrial which was allegedly caused by Plaintiff's counsel. Plaintiff argues that the mistrial was not caused by Plaintiff's counsel. Plaintiff also requests additional fees beyond those recommended by the Magistrate Judge.

The Court finds that the Magistrate Judge correctly determined that the circumstances surrounding the mistrial are unclear. Accordingly, Defendants' Objections are overruled. The Court finds that Plaintiff's request for additional fees is untimely. Accordingly, Plaintiff's Objection is also overruled.

For these reasons, the Report and Recommendation is ADOPTED and APPROVED.
Plaintiff shall recover from the Defendants fees and costs in the total amount of \$90,969.50.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE